

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

SUBJECT PROCESSING ENCROACHMENT REMOVAL AND MAINTENANCE AGREEMENT AND PERMIT	Number 20.70	Issue 3	Page 1 of 5
	Effective Date August 3, 1993		

1. Purpose

- 1.1 To establish the procedure for issuance of Engineering Permits for private facilities encroaching into the City right-of-way, easement or public property pursuant to Article 2, Division 3.
- 1.2 To establish the responsibilities of the Permit Issuing Authority for the administration of this procedure.

2. Policy

- 2.1 Permit for an Encroachment must be obtained by any person making an encroachment in, above or below the public right-of-way, easement or public property under the control of the City of San Diego.

3. Application for a Permit

- 3.1 All permit applicants for an encroachment shall be referred to the City Engineer's or Building official's office (Permit Issuing Authorities).
- 3.2 The applicant shall furnish a completed Permit Application for an Encroachment, Form IN-3085 Rev., and submit it to the Permit Issuing Authority.
- 3.3 The owner of the property shall furnish the following:
 - a. Completed Encroachment Removal and Maintenance Agreement, Form ED-120 or ED-147 or In-5713.
 - b. A plat on 8 ½" x 11" sheet showing exact location of encroachment.
- 3.4 In addition, the owner or applicant shall furnish:
 - a. A detailed estimate of the cost of the work.
 - b. Detailed plans and specifications when work is not covered by standard drawings and specifications.

(Supersedes Administrative Regulation 20.70, Issue 2, effective April 1, 1957.)

Authorized

(Signed by Jack McGrory)

CITY MANAGER

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4. Application Fee

- 4.1 The Encroachment Application shall be accompanied by an initial submittal fee as determined by the current fee schedule.
- 4.2 The appropriate copies of the application and fee shall be deposited with the City Treasurer in the established manner. One copy will be the applicants receipt. Remaining copy will be forwarded to the Auditor. After processing, the Auditor will return the copy to the Permit Issuing Authority.

5. Investigation by Departments

- 5.1 The Permit Issuing Authority shall route a copy of the application and plat through other departments of the City when the encroachment comes within the requirements of, or affects the operations of said departments and shall consider the recommendation of such departments in determining the disposition of the application.

6. Permit Issuing Authority's Investigation and Recommendation

- 6.1 The Permit Issuing Authority shall prepare a recommendation based on the investigation in his department and the recommendations of other departments. This recommendation shall be for approval, approval as modified, or denial. This recommendation shall be placed on sheet one of Application (or attached thereto) with Permit Issuing Authority approval signatures.
- 6.2 In most cases, the Permit Issuing Authority has authority to approve, modify, or deny the Application.

7. City Council Authorization

- 7.1 When Application requires City Council authorization as provided in Section 62.0303, a Request for Council Action shall be prepared, stating the Permit Issuing Authority's recommendation, and forwarded to the City Manager.
- 7.2 The City Manager shall review the Application and shall recommend for approval, approval as modified, or for denial. The City Manager shall request the City Attorney to prepare a Council resolution authorizing the Permit Issuing Authority to issue a permit, or to deny a permit, in accordance with the Manager's recommendations.
- 7.3 Upon approval by the City Council, a copy of the resolution shall be forwarded to the Permit Issuing Authority by the City Clerk.

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8. Applicant Notification

- 8.1 The Permit Issuing Authority shall notify every applicant that the Application is approved, approved as modified, or denied, and that if approved, or approved as modified, an Encroachment Permit will be issued to a qualified contractor or home owner on payment of permit fee as set forth in Section 62.0113.

9. Issuance of Permit

- 9.1 The Encroachment Permit shall be on a prenumbered form.
- 9.2 When a contractor or home owner, who has been qualified by the Permit Issuing Authority, has signed the Encroachment Permit and paid the required permit fee, the Permit Issuing Authority shall issue an Encroachment Permit to do the work.
- 9.3 The appropriate copies of the permit and fee shall be deposited with the City Treasurer in the established manner. One copy will be the applicant's receipt. Remaining copy will be forwarded to the Auditor. After processing, the Auditor will return the copy to the Permit Issuing Authority.
- 9.4 Permits for Encroachments that are not listed in Section 62.0118 of the Municipal Code and are not part of the fully describable project which has been reviewed and approved by the City Council, Planning Commission, Subdivision Board, or the Planning Director at a noticed Public Hearing, shall not be issued until a Notice of Intent to Issue the Permit is sent to all the property owners within 300 feet of the project boundary. Noticing shall be consistent with Section 62.0106(c) of the Municipal Code.

10. Distribution and Filing of Documents

- 10.1 Permit Issuing Authority's Office file shall contain:
1. Original Permit
 2. Original Application
 3. Copies of Receipts
 4. One copy of plat or detail plans
 5. Original copy of Encroachment Removal Agreement
 6. Copies of correspondence and recommendations
 7. Copy of Council Resolution (if any)
 8. Notice of Job Completion
- 10.2 Filing shall be in sequence according to Application Permit Numbers.

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10.3 The Field Division of Engineering and Development Department shall be furnished for inspection:

- a. A copy of permit
- b. A facsimile copy of Application
- c. One copy of plat and detail plans

10.4 The permittee shall receive:

- a. Hard copy of Permit (Inspection Card)
- b. A facsimile copy of Application
- c. Copy of Application receipt
- d. Approved detail plans

11. Recording of Removal and Maintenance Agreement

11.1 The Encroachment Removal and Maintenance Agreement and plat shall be forwarded by the Permit Issuing Authority to the County Recorder for recording. The Recorder will return the Encroachment Removal Agreement (original) to the Permit Issuing Authority for filing.

12. Job Completion - In The Permit Issuing Authority's Department

12.1 The Field Division will sign permit for final acceptance and forward to the Permit Issuing Authority.

12.2 The office file shall be routed through the following in order and for purpose indicated:

- a. "As Built" Engineer -- to correct plans
- b. Permit Issuing Authority -- to release bond and complete file

13. Removal of Encroachments

13.1 Permits issued under this provision may be revoked by notification in writing by the Permit Issuing Authority to the property owner. The owner shall thereupon abandon, remove, or relocate the encroachment installation. The Permit Issuing Authority shall make an inspection of the encroachment site to assure that the conditions of the notification have been met. Failure on the part of the owner to remove or relocate the encroachment will result in its removal by the City of San Diego, the costs to be borne by the owner of the property.

13.2 All reports of unauthorized encroachment shall be referred to the Housing and Code Enforcement for investigation and corrective action. The property owner shall be requested to submit an application for a permit. In the event that the permit is denied, or that the owner fails to apply, he will be notified in writing by the Permit Issuing Authority to abandon, remove, or relocate the encroachment structures. Failure on the part of the owner to remove or relocate the encroachment will result in its removal by the City of San Diego, the costs to be borne by the owner of the property.

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APPENDIX

Legal References:

San Diego Municipal Code Division 3 (Encroachment on Public Rights-of-Way or Public Property Section 62.0301-62.0307).

Forms Involved:

IN-3085
ED-120

Subject Index:

Encroachment, Removal, Maintenance, Agreement, Permit

Distribution

City Attorney, Risk Management, Building Inspection, Engineering and Development Departments

Administering Department

Engineering and Development Department, Building Inspection Department